
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL LEE ANGUIANO;

Defendant.

**ORDER DENYING AS MOOT
DEFENDANT’S MOTION TO
SUPPRESS**

Case No. 1:19-cr-51

Chief Judge Robert J. Shelby

On October 31, 2018, Defendant Daniel Lee Anguiano was involved in a traffic accident in Ogden, Utah.¹ Following the accident, Anguiano was transported to the McKay-Dee Hospital.² While healthcare professionals treated Anguiano in his hospital bed,³ Officer Buss informed Anguiano he was under arrest and interrogated Anguiano both without a proper *Miranda* warning and in spite of Anguiano’s repeated requests to speak with his attorney.⁴

The United States subsequently indicted Anguiano for being a felon in possession of a firearm and for possessing controlled substances.⁵ On August 14, 2019, Anguiano filed a Motion to Suppress, arguing the statements he made to Officer Buss should be suppressed because “any such statements were obtained in violation of his rights as set forth in *Miranda*.”⁶ The parties

¹ See Dkt. 24 at 2.

² *Id.*

³ *Id.*; see also *id.*, Ex. A (Officer Buss’s bodycam footage of the encounter).

⁴ *Id.* at 2–5; Dkt. 26 at 2–3.

⁵ Dkt. 1.

⁶ Dkt. 18 at 1.

agreed to forego an evidentiary hearing, instead relying solely on Officer Buss's bodycam footage from October 31, 2018.⁷

The United States does not concede that Officer Buss violated Anguiano's *Miranda* rights, but it has now determined that it will not use Anguiano's statements in its case-in-chief.⁸ This concession grants Anguiano the relief he sought through his Motion to Suppress.⁹ Accordingly, Anguiano's Motion is DENIED AS MOOT.¹⁰

SO ORDERED this 24th day of October, 2019.

BY THE COURT:



ROBERT J. SHELBY
United States Chief District Judge

⁷ Dkt. 20.

⁸ Dkt. 26 at 3. The United States wishes to reserve the right to impeach Anguiano if he "were to testify at trial and the testimony was inconsistent with the statements he made to Officer Buss." Dkt. 26 at 3–4. This reservation applies only to the voluntary statements made by Anguiano. *Oregon v. Elstad*, 470 U.S. 298, 307 (1985) ("Despite the fact that patently *voluntary* statements taken in violation of *Miranda* must be excluded from the prosecution's case, the presumption of coercion does not bar their use for impeachment purposes on cross-examination.") (emphasis in original); *United States v. Gomez*, 725 F.3d 1121, 1126 (9th Cir. 2013) (explaining "a defendant's voluntary statements—even if obtained in violation of *Miranda*—are admissible as impeachment evidence"); *United States v. Mohammed*, 693 F.3d 192, 198 (D.C. Cir. 2012) ("Statements taken in violation of *Miranda* are admissible as impeachment evidence unless they are, in fact, involuntary."). Because the United States' concession moots Anguiano's Motion, the court declines to address which of Anguiano's statements, if any, were voluntary.

⁹ See Dkt. 18 at 1 ("The defendant, DANIEL LEE ANGUIANO, moves this court for an order suppressing any statements he made on October 31, 2018, when he was questioned by law enforcement."); see also *United States v. Cota-Herrera*, 75 F. App'x 695, 699 (10th Cir. 2003) (affirming district court that denied motion to suppress as moot where "the government did not seek to introduce into evidence any of [defendant's] statements taken before he was informed of his *Miranda* rights.").

¹⁰ Dkt. 18.